

Entered - 08/31/00 - sb
CL00L0522 - DIANNE C. MITCHELL

CLAIM OF: **XAVIER AND STELLA REESE,**
through their attorney,
C. McLaurin Sitton
4292-B Memorial Drive
Decatur, Georgia 30032-1224

00-R-1513

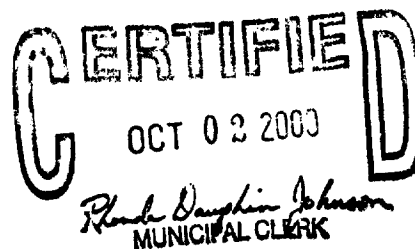
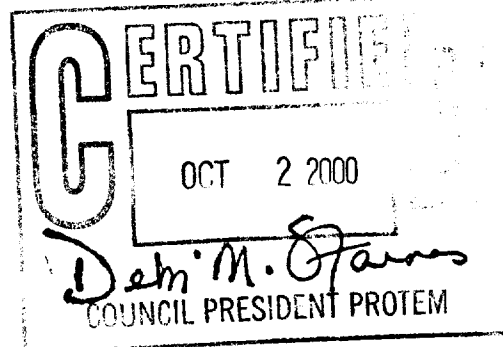
For damages alleged to have been sustained as a result of a personal injury
caused by an employee of Grady Homes on March 15, 2000 at 77 Hilliard
Street

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *By RWG*

ADVERSED REPORT

V. Stella Reese
Michael B. Sitton
City of Decatur



CONSENT AGENDA

ADVERSED BY
CITY COUNCIL OCT 02 2000



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 10, 2000

C. McLaurin Sitton
Attorney at Law
4292-B Memorial Drive
Decatur, GA 30032-1224

00-R-1513

RE: Xavier & Stella Reese

Dear Attorney Sitton:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 02, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0522

Date: September 5, 2000

Claimant /Victim XAVIER AND STELLA REESE
BY: (Atty) C. McLaurin Sitton
Address: 4292-B Memorial Drive, Decatur, Georgia 30032
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 08/29/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/15/00 Place: 861 Dill Avenue
Department None Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges injuries caused by an employee of Grady Homes. Grady Homes is a part of the Atlanta Housing Authority which is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue this claim with the Atlanta Housing Authority.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

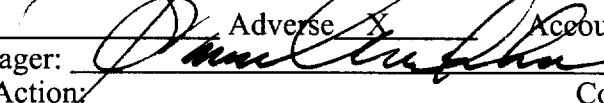
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 09-05-00
Committee Action: Council Action

ADVANCE LEGAL SERVICES
— LAW OFFICES OF C. McLAURIN SITTON —

4292-B MEMORIAL DRIVE
DECATUR, GEORGIA 30032-1224
www.advancelegalservices.com

LICENSED IN ALABAMA & GEORGIA

Mitchell
08/30/00
(404) 299-9916
(800) 223-0619
FAX (404) 299-9917
mail@advancelegal services.com

August 25, 2000

ENTERED - 8-31-00 - SB
00L0522 - DIANNE MITCHELL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Atlanta City Government
55 Trinity Avenue, S. W.
Atlanta, Georgia 30335

ATTENTION: Hon. Rob Pitts, President
Atlanta City Council

RE: ANTE LITEM NOTICE
Claimants: Xavier Reese, Sheila Reese
Date of Injury: March 15, 2000
Location: Grady Homes, 77 Hilliard Street

Dear President Pitts:

You are hereby notified that on the evening of March 15, 2000, Xavier Reese, a minor and resident of Grady Homes, was injured when he was struck in the face with a pistol by an individual believed to be Richard Martin of the Grady Homes Security Patrol. Xavier was also arrested and wrongfully detained by Grady Homes Security. He was never charged with committing any crime. The incident is detailed in the attached Atlanta Police Department Incident Report, which is incorporated herein by reference.

The City of Atlanta (the "City") owned and operated Grady Homes through its Housing Authority. At the time and place of the incident complained of, the City owed Xavier Reese a duty of exercising ordinary care to select and employ individuals and/or security firms who were reasonably competent to carry out the security functions for which they were employed. In the incident complained of, the City negligently breached this duty, in that its security guard, Mr. Martin, was not competent to carry out his duties as demonstrated through his use of unwarranted and excessive force against Xavier and his wrongful detention of him.

As a result of this incident, Mr. Reese suffered injury, including a severe facial laceration with subsequent scarring. Further, he has suffered physical pain and mental distress. As a result of this incident, Xavier's mother, Sheila Reese, has been deprived of the society, companionship and services of her son and has incurred bills for medical treatment for these injuries..

This notice is made pursuant to O.C.G.A. § 36-33-5.

Respectfully,

00-R -1513

C. McLaurin Sitton,
Attorney for Claimants

CMS/cj

RCS# 2255
10/02/00
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
Y Bond
Y Winslow

B Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
B Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286
10/02/00
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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Y Bond	Y Morris	Y Maddox	Y Alexander
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ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523